

HOUSE BILL No. 1094

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-13.

Synopsis: State fair matters. Makes changes to the membership of and qualifications to serve on the state fair commission (commission) and state fair board (board). Prohibits appointed and elected members of the commission and board who represent certain districts from serving if an immediate family member is a member of the commission or board or employed by the commission. Specifies responsibilities for the commission and board concerning the state fair and the fairgrounds. Provides that the preceding presiding officer of the board presides over the meeting to elect the new presiding officer. Removes the requirement that the commission adopt policies concerning the number of board meetings and payment of per diem and travel expenses. Requires the state department of agriculture (department) to provide information concerning the requirements and deadlines to apply to be an organization certified for the district. Requires the director of the department (director) to provide, upon request, the names and contact information of individuals entitled to vote at the district convention (convention). Requires the director or an employee of the department designated by the director to preside over the convention. (Current law requires the director to select a member of the commission to preside.) Requires that voting at the convention must be by secret written ballot. Except for certain individuals, prohibits an individual who is a voting member of the commission or board or an employee of the commission from: (1) campaigning for or endorsing an individual to be elected as a member of the board; or (2) being present at a district convention. Allows certain individuals to act as observers during the counting of the ballots. Makes conforming changes.

Effective: July 1, 2016.

Cherry, Brown T

January 5, 2016, read first time and referred to Committee on Agriculture and Rural Development.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1094

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-13-1-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 9.5. "Department" refers to the Indiana state**
4 **department of agriculture established by IC 15-11-2-1.**

5 SECTION 2. IC 15-13-1-13.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2016]: **Sec. 13.5. "Immediate family" means**
8 **a spouse, child, stepchild, grandchild, parent, stepparent,**
9 **grandparent, sibling, mother-in-law, father-in-law, son-in-law,**
10 **daughter-in-law, brother-in-law, or sister-in-law, and includes**
11 **adoptive relationships.**

12 SECTION 3. IC 15-13-2-2, AS ADDED BY P.L.120-2008,
13 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2016]: Sec. 2. (a) The commission consists of ~~eight (8)~~ **the**
15 **following** members: ~~as follows:~~

16 (1) ~~Five (5)~~ **Seven (7)** members appointed by the governor.



~~(2) The presiding officer of the board.~~

~~(3) (2) The director of the Indiana state department of agriculture appointed under IC 15-11-3-1 or the director's designee.~~

~~(4) The presiding officer of the trustees elected under IC 15-13-11-7 or the presiding officer's designee who must be selected from the membership of the trustees.~~

(b) The:

(1) chairperson and vice chairperson of the advisory committee appointed under IC 15-13-6-2(d); ~~or a member of the advisory committee designated by the chairperson may; and~~

(2) presiding officer of the board;

shall serve as an ex officio nonvoting member members of the commission.

(c) Not more than:

(1) one (1) member appointed under subsection (a)(1) may reside in the same district; and

(2) ~~three (3)~~ **four (4)** members appointed under subsection (a)(1) may be affiliated with the same political party.

~~Each district is not required to have a member of the commission represent it.~~

~~(d) Two (2)~~ **Three (3)** members appointed under subsection (a)(1) must have a recognized interest in agriculture or agribusiness.

(e) An individual may not be appointed under subsection (a)(1) if the individual has an immediate family member who is:

(1) a member of the board or commission; or

(2) employed by the commission.

SECTION 4. IC 15-13-2-3, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection (d), the term of an individual appointed under section 2(a)(1) of this chapter begins on the later of the following:

(1) October 1 after the expiration of the term of the member whom the individual is appointed to succeed.

(2) The day the individual is appointed by the governor.

(b) The term of a member appointed under section 2(a)(1) of this chapter expires on September 30 of the fourth year after the expiration of the term of the member's immediate predecessor.

(c) Except as provided in subsection (d), the governor may reappoint a member appointed under section 2(a)(1) of this chapter for a new term. A member reappointed by the governor is the member's own:

(1) successor for purposes of subsection (a); and



(2) immediate predecessor for purposes of subsection (b).

(d) An individual may not serve as a member under section 2(a)(1) of this chapter for more than eight (8) years in any twelve (12) year period, except as provided in section 4(c) of this chapter.

(e) The **ex officio** member serving under section ~~2(a)(2)~~ **2(b)(2)** of this chapter serves until the member is not the presiding officer of the board.

SECTION 5. IC 15-13-2-7, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 7. A majority of the **voting** members of the commission constitutes a quorum for the transaction of business.

SECTION 6. IC 15-13-3-1, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. The commission shall maintain and develop the:

- (1) fairgrounds, **in consultation with the board;** and
- (2) other property owned by the commission.

SECTION 7. IC 15-13-3-3, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The commission is responsible for **assisting the board in** holding the fair. ~~Holding~~ The fair shall be given priority over all other activities by the commission during the period the fair is held.

(b) In addition to ~~holding~~ the fair, the commission may:

- (1) hold expositions;
- (2) hold exhibitions; and
- (3) engage in any other lawful activity that does not interfere with the operation of the fair.

SECTION 8. IC 15-13-5-2, AS ADDED BY P.L.120-2008, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) The board consists of ~~seventeen (17)~~ **the following** members: ~~as follows:~~

- (1) The governor or the governor's designee.
- ~~(2) The director of the Indiana state department of agriculture or the director's designee.~~
- ~~(3) (2)~~ **(2)** The director of the cooperative extension service of Purdue University or the director's designee.
- ~~(4) (3)~~ **(3)** Seven (7) members appointed under this chapter by the governor, one (1) from each district.
- ~~(5) (4)~~ **(4)** One (1) member elected under this chapter from each district.

(b) Not more than one (1) member appointed under subsection ~~(a)(4)~~ **(a)(3)** may reside in the same district.

(c) Not more than four (4) members appointed under subsection



~~(a)(4)~~ **(a)(3)** may be affiliated with the same political party.

(d) Each member appointed under subsection ~~(a)(4)~~ **(a)(3)** must have a recognized interest in agriculture or agribusiness.

(e) When an appointment of a member under subsection ~~(a)(4)~~ **(a)(3)** is required, the appointment may not be made until after the election of members under subsection ~~(a)(5)~~ **(a)(4)** for that year is certified under section 22 of this chapter.

(f) The director of the department shall serve as an ex officio nonvoting member of the board.

SECTION 9. IC 15-13-5-3, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) Except as provided in subsection (d), the term of an individual as a member under section **2(a)(3) or 2(a)(4) or 2(a)(5)** of this chapter begins on the later of the following:

(1) October 1 after the expiration of the term of the member whom the individual is appointed or elected to succeed.

(2) For an individual appointed under section ~~2(a)(4)~~ **2(a)(3)** of this chapter, the day the individual is appointed by the governor.

(b) The term of a member under section **2(a)(3) or 2(a)(4) or 2(a)(5)** of this chapter expires on September 30 of the fourth year after the expiration of the term of the member's immediate predecessor.

(c) Except as provided in subsection (d), a member of the board may be reappointed or reelected for a new term. A member reappointed or reelected is the member's own:

(1) successor for purposes of subsection (a); and

(2) immediate predecessor for purposes of subsection (b).

(d) An individual may not serve as a member under section **2(a)(3) or 2(a)(4) or 2(a)(5)** of this chapter for more than eight (8) years in any twelve (12) year period, except as provided in section 4(c) of this chapter.

(e) An individual may not serve as an appointed or elected member under section 2(a)(3) or 2(a)(4) of this chapter if the individual has an immediate family member who is:

(1) a member of the board or commission; or

(2) employed by the commission.

SECTION 10. IC 15-13-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 4.5. A majority of the voting members of the board constitutes a quorum for the transaction of business.**

SECTION 11. IC 15-13-5-5, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2016]: Sec. 5. (a) The board shall elect a member serving under section ~~2(a)(5)~~ **2(a)(4)** of this chapter to be the presiding officer of the board. The member elected under this section is the presiding officer of the board until the earlier of the following:

(1) The date the member's term expires.

(2) The date the member is replaced as presiding officer by the board.

(b) The board may elect other officers for the board from the board's membership.

(c) Notwithstanding subsection (a) or section 3 of this chapter:

(1) the member who served as the presiding officer on September 30 of the current year; or

(2) if the individual in subdivision (1) is unable to serve, a member who served as an officer under subsection (b) on September 30 of the current year;

shall preside over the meeting to elect the new presiding officer under subsection (a). The member elected as the new presiding officer shall oversee the election of any officers under subsection (b).

SECTION 12. IC 15-13-5-6, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. (a) Subject to subsection (c), each member of the board who is not a state employee is entitled to receive the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Subject to subsection (c), reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Subject to subsection (c), each member of the board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) The commission shall ~~adopt a policy~~ **pay for**

~~(1) the number of meetings the board may hold; and~~

~~(2) payment of each member of the board's per diem and travel expenses:~~

~~(A) (1) for board meetings; and~~

~~(B) (2) during the time the fair is held.~~



SECTION 13. IC 15-13-5-9, AS ADDED BY P.L.120-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 9. (a) If an organization wants to be certified to vote in an election under this chapter, the organization must apply to the director of the ~~Indiana state~~ department. ~~of agriculture.~~

(b) **Before May 1 of the year the term of a member representing a district expires, the department shall notify each organization in the district that was certified in the previous district meeting of the requirements and deadlines to apply to be an organization certified for the district.**

(c) **Upon request by a person, the department shall provide information concerning the requirements and deadlines to apply to be an organization certified for the district.**

SECTION 14. IC 15-13-5-10, AS ADDED BY P.L.120-2008, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Subject to sections 11 through 13 of this chapter, the director of the ~~Indiana state~~ department ~~of agriculture~~ shall certify an organization that applies under section 9 of this chapter as eligible to vote in a district election under this chapter only if the organization:

- (1) is an agricultural interest;
- (2) is regularly organized within the district;
- (3) has at least ten (10) active members;
- (4) has elected officers;
- (5) has an annual meeting;
- (6) has been in existence for at least one (1) year before the application for certification is filed with the director of the ~~Indiana state~~ department; ~~of agriculture~~; and
- (7) before July 1 of the year of the election in which the organization wants to participate, files with the director of the ~~Indiana state~~ department: ~~of agriculture~~:
 - (A) the name of the organization;
 - (B) the names and addresses of the organization's officers;
 - (C) the name, address, and title of the individual who is authorized by the organization to vote for the organization in an election under this chapter;
 - (D) the number of the organization's active members;
 - (E) a certification that the organization is eligible to be certified under this chapter; and
 - (F) other information required by the director of the ~~Indiana state~~ department. ~~of agriculture~~.

(b) A certification under subsection (a) expires July 1 of the fourth



1 year after the certification is issued by the director of the ~~Indiana state~~
2 department. ~~of agriculture~~.

3 SECTION 15. IC 15-13-5-13, AS ADDED BY P.L.120-2008,
4 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2016]: Sec. 13. (a) The director of the ~~Indiana state~~
6 department ~~of agriculture~~ may not certify for a district under section 10
7 of this chapter more than two (2) organizations in a county in the
8 district that satisfy the requirements of section 10 of this chapter.

9 (b) If more than two (2) organizations in a county in a district that
10 satisfy the requirements of section 10 of this chapter apply for
11 certification, the director of the ~~Indiana state~~ department ~~of agriculture~~
12 may certify any two (2) of those organizations, considering the
13 following criteria:

- 14 (1) Order of application for certification.
- 15 (2) Number of members of each organization.
- 16 (3) How long each organization has been in existence.
- 17 (4) Activity of each organization in promotion of agricultural
18 interests.
- 19 (5) Diversity of representation of interests within the agricultural
20 community.

21 SECTION 16. IC 15-13-5-14, AS ADDED BY P.L.120-2008,
22 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2016]: Sec. 14. (a) Before September 1 of the year the term of
24 a member representing a district expires, the director of the ~~Indiana~~
25 ~~state~~ department ~~of agriculture~~ shall notify each organization certified
26 for the district under section 10 of this chapter that a district convention
27 will be held to elect the member to represent the district.

28 (b) Subject to section 17 of this chapter, the director of the ~~Indiana~~
29 ~~state~~ department ~~of agriculture~~ shall:

- 30 (1) state in the notice required by subsection (a) the date, time,
31 and place of the district convention and the name of the presiding
32 officer; and
- 33 (2) choose a date, time, and place that will encourage maximum
34 participation in the district convention by organizations referred
35 to in subsection (a).

36 SECTION 17. IC 15-13-5-15, AS ADDED BY P.L.120-2008,
37 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2016]: Sec. 15. (a) The director of the ~~Indiana state~~
39 department ~~of agriculture~~ shall send copies of the credentials of each
40 individual entitled to vote in a district convention to the following:

- 41 (1) The board member representing the district.
- 42 (2) The individual who will preside over the district convention.



(b) Upon request by a person, the director of the department shall send a copy of the name and contact information for each individual entitled to vote in the district convention.

SECTION 18. IC 15-13-5-16, AS ADDED BY P.L.120-2008, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 16. (a) The director of the ~~Indiana state~~ department of agriculture shall choose from among the members of the ~~commission~~ the individual to **or an employee of the department designated by the director shall** preside at a district convention.

(b) The presiding officer of the convention may vote in the case of a tie vote on any matter.

SECTION 19. IC 15-13-5-17, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 17. (a) During September before the term of a member representing a district expires, the individuals designated under section 10(a)(7)(C) of this chapter for each organization certified under section 10 of this chapter for the district shall meet in a district convention to elect the member's successor.

(b) Voting under subsection (a) is by ~~voice concurrent with~~ the submission of a ~~signed secret~~ written ballot by each person voting indicating the person's vote.

SECTION 20. IC 15-13-5-18, AS ADDED BY P.L.120-2008, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 18. The director of the ~~Indiana state~~ department of agriculture shall adopt rules for the business of a district convention. Rules adopted under this section may not be inconsistent with this chapter.

SECTION 21. IC 15-13-5-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 20.5. Except for an individual who is entitled to vote in the district convention or is the board member for the district, an individual who is a voting member of the commission or board or an employee of the commission may not:**

(1) campaign for or endorse an individual to be elected as a member of the board; or

(2) be present at a district convention.

SECTION 22. IC 15-13-5-22, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 22. **(a)** The presiding officer of a district convention shall certify the results of the election under section 21 of this chapter to the commission and to the board.



(b) Each individual who is nominated at the district convention to be a candidate for the member representing the district may appoint an individual, who has not been nominated, to be an observer to the counting of the ballots. An individual who has been nominated to be an observer may observe the counting of the ballots but may not participate in the counting or recording of the ballots.

SECTION 23. IC 15-13-5-23, AS ADDED BY P.L.120-2008, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. The director of the ~~Indiana state~~ department of agriculture may:

(1) adopt rules under IC 4-22-2; and

(2) prescribe forms;

to implement sections 9 through 22 of this chapter.

SECTION 24. IC 15-13-7-1, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1. (a) The board shall hold one (1) state agricultural fair each year.

(b) The board is responsible for the planning and organization of the fair.

(c) The fair must emphasize agriculture and agribusiness.

SECTION 25. IC 15-13-7-2 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 2. ~~In holding the fair, the board is subject to the policies of the commission.~~

SECTION 26. IC 15-13-7-3, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The executive director employed under IC 15-13-2-10 is responsible for the day to day operation of the fair.

(b) The commission is responsible for:

(1) subject to subsection (a), the personnel;

(2) management of the facilities; and

(3) contracts and contract procedures;

related to the fair.

SECTION 27. IC 15-13-11-3, AS ADDED BY P.L.120-2008, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The trustees govern the fair. The trustees consist of seventeen (17) members as follows:

(1) The governor or the governor's designee.

(2) The director of the ~~Indiana state~~ department of agriculture or the director's designee.

(3) The dean of agriculture of Purdue University or the dean's designee.



1 (4) The president of the Purdue University Agriculture Alumni
2 Association or the president's designee.

3 (5) The state superintendent of public instruction or the state
4 superintendent's designee.

5 (6) The state veterinarian or the state veterinarian's designee.

6 (7) The presiding officer of the commission or the presiding
7 officer's designee selected from the membership of the
8 commission.

9 (8) The presiding officer of the board or the presiding officer's
10 designee selected from the membership of the board.

11 (9) One (1) member appointed by the largest Indiana organization
12 representing agricultural interests in Indiana, as determined by the
13 number of members of the organization. The member serves at
14 the pleasure of the member's organization.

15 (10) One (1) member appointed by the second largest Indiana
16 organization representing agricultural interests in Indiana, as
17 determined by the number of members of the organization. The
18 member serves at the pleasure of the member's organization.

19 (11) Seven (7) members appointed by the governor.

20 (b) Of the members appointed under subsection (a)(11), not more
21 than four (4) may be affiliated with the same political party.

22 (c) Each member appointed under subsection (a)(11) must have a
23 recognized interest in the barn.

